

HAMPTON PLANNING BOARD

November 21, 2007 Draft Minutes

PRESENT: Tracy Emerick, Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Higgins
Bill Faulkner
Donna Mercer, Alternate
James Steffen, Town Planner

ABSENT: Robert Viviano, Vice-Chair

I. CALL TO ORDER at 7:00 PM

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

II. ATTENDING TO BE HEARD

07-085 Blake Barker continued from 09/19/07

24 B Purington Lane
Use Change to Excavation/Contracting Business
Map 120 Lot 15-1

Applicant requested a continuation to December 05, 2007

MOVED by Mr. Lessard

SECOND by Ms. Mercer

VOTE: 7-0-0 **MOTION PASSED**

I. CONTINUED PUBLIC HEARINGS

07-083 Olde Hampton Village Continued from 10-03-07

340 Lafayette Road
Site Plan Review
Parking Lot Expansion and Drainage Rehab.
Pegasus Management Corp.
Map 175 Lot 8
Owner of Record: Narcissus Real Estate, LLC

Applicant requested a continuation to December 05, 2007

MOVED by Mr. Lessard

SECOND by Ms. Mercer

VOTE: 7-0-0 **MOTION PASSED**

07-84 Gilles Houle Continued from 10-03-07

375 Ocean Boulevard
Site Plan Review
Commercial Retail Plaza
Map 275 Lot 8 & 17

Withdrawn by Applicant on October 24, 2007

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07-091 Malcolm Smith - Pondside LLC - continued from 10/17/07 & 11-07-07

221 Woodland Road
Minor Lot Line Adjustment
Map 96 Lots 1 & 3

This case will be heard with case #07-094

II. NEW PUBLIC HEARINGS

07-094 Malcolm E. Smith, III - Pondside LLC continued from 11-07-07

221 Woodland Road
Minor Lot Line Adjustment and Subdivision
Map 96 Lot 1 & 3

Owner of Record: Malcolm E. Smith, III and Pondside, LLC.

APPLICANT

Jeff Clifford of Altus Engineering explained the history of the site and the intent of the plan request for the approval of the lot line adjustment and subdivision.

He explained that there are new easements referenced on the plan and the easements will supercede all previous easement agreements with the Town.

He further explained that the Town will take ownership of the land, which contains the dam. The Town will take control of the dam and its maintenance. There is a pond maintenance easement, for clearing and dredging purposes if it is needed. An additional easement is being negotiated for a one-time temporary construction staging area for access to the dam. This plan creates three permanent easements and supercedes all prior easements.

BOARD

Mr. Workman question whether the Board can grant approval for a subdivision, which creates a non-buildable lot.

Mr. Emerick explained that he also had that concern and was informed by the Town Attorney that the Board can create non-buildable lot through the subdivision process.

PUBLIC

Jay Diener- Hampton Conservation Commission. Mr. Diener explained why the Town would want to have ownership of the dam and the reason for the easements, which were for maintenance of the dam. Mr. Diener explained that through grant monies from the State, which the Conservation Commission has, the Town would be able to study and maintain the dam and pond.

MOVED by Mr. Lessard to grant the Pondside Minor Lot Line Adjustment located at 221 Woodland Road, Map 96, and Lots 1 & 3. Drawing file number 33389LLR 9-23-07.DWG with revision dates of 10-31-07 and 11-14-07. Sheet Numbers 1 and 2. To include the recommendation from the Planners Memo of November 20, 2007.

SECOND by Mr. McMahon

VOTE: 6-0-1 Mr. Workman abstained **MOTION PASSED**

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MOVED by Mr. Lessard to grant the Pondside Subdivision located at 221 Woodland Road, Map 96, and Lots 1 & 3. Drawing file number 33389LLR 9-23-07.DWG with revision dates of 10-31-07 and 11-14-07. Sheet Numbers 1 and 2. To include the recommendation from the Planners Memo of November 20, 2007.

SECOND by Mr. McMahon

VOTE: 6-0-1 Mr. Workman abstained **MOTION PASSED**

III. CONSIDERATION OF MINUTES of November 07, 2007

BOARD

Mr. Higgins asked for corrections by having the minutes reviewed and corrected on the following pages:

Page 5.

Replace the 1st paragraph with the following.

Mr. Higgins questioned Mr. Guthrie about his opposition to the duplex development across the street in 2002, and that the cottages should remain the same in the neighborhood. That in August of 2002, Mr. Guthrie stated that garages were prohibited underneath the buildings across the street. Mr. Higgins also noted that in 2007 that Mr. Guthrie testified before this Board that the neighborhood should remain all cottages. Mr. Higgins asked what has changed that you [Mr. Guthrie] like duplexes and garages.

Replace the 2nd paragraph with the following.

Ms. Somers stated that the issue before the Board is whether or not the proposal they have complies with the Boards site plan regulations and what my client has indicated in the past regarding other proposals is frankly is his own opinion. This proposal complies to zoning and it is asked of this Board now, is whether this proposal complies with site plan review regulations.

Replace the 4th paragraph with the following.

Discussion ensued among the Board members and Ms. Somers continued to explain the two plans and the conflicting measurements. She explained that one plan depicts architectural details and the other is a site plan. Ms. Somers stated that the Board should only look at plan A-2.

Replace the 9th paragraph with the following

Mr. Lessard stated that the Board members may change after Town Meeting and the Board has always been consistent with voting on the waivers when deliberating during the approval process of the application. Mr. Lessard stated that historically the waivers are voted on when the application is voted on and not before.

Insert as the 10th paragraph.

Mr. Higgins stated again that he wanted clarification of the two conflicting plans as the measurements differ.

Page 6. Replace the 1st paragraph with the following.

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Ms. Somers stated the reason for the request to have waivers acted on now is that it would give them the chance to have the preliminary work done, and after the March 13th Town Meeting, it would allow them to immediately come in and have this matter dealt on. Ms. Somers stated again that their intent is to try to flesh out the issues regarding this proposal before the Town meeting voting. If the Board does not deal with the waivers now, it will be well into May before he can pull a building permit. Their intent is to get the Board's approval now and after Town Meeting come before the Board again for approval and then they will immediately begin building.

Insert the following two sentences on Page 6 before the sentence that begins with Discussion ensued on what the Town

Mr. Lessard asked the applicant's representative what if the deed restriction petition does not pass at Town Meeting; what is their plan B?; maybe the Board should have that plan too.

Ms. Somers stated the Board has enough before them to consider this plan, and consider what is before them and that they will deal with Plan B.

Page 7

Inserted the section title of each waiver that was voted on.

Corrected the order of the vote on the motion to deny waiver Section VII B.1 [6-1-0]

Relocated the following sentence to be inserted under the motion under Section VII. B. 1

Mr. Workman clarified what the motion meant that was being voted on. The vote was not to grant as much as not to deny the waiver at this time.

Page 8, under the Board discussion section.

2nd Sentence. Replace with the following.

Discussion ensued between Mr. Boldt and Mr. Higgins on what was requested and when to be submitted to the Board for the meeting. Mr. Boldt read from his notes of what he said the Planning Board told Luke Hurley to do.

Mr. Boldt stated that material was provided. There is a letter from Mr. Sestito that states that are no pictures, and that he is not the kind of guy to take pictures. Mr. Boldt stated there are two invoices showing the amount of trees that were removed and the core samples drawn by Mr. Hurley.

3rd Sentence. Replace with the following.

Mr. Higgins stated that it was not here for the October 17th, meeting as requested. It was determined it was passed in on November 5th, this was after the deadline for the November 11th meeting. Mr. Higgins stated that you had five days before the meeting to hand the information to us.

Mr. Higgins stated that the Planning Board has regulations concerning information, which is to be submitted to the Board, and that information needs to be submitted several days before the hearing.

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Ms. Ostman informed that the Board has a deadline date of five days for information on submittals that do not require public hearings.

5th Sentence. Replace with the following.

Discussion among members and Mr. Boldt continued on what was requested and what could be produced. The minutes of the August 15 were read in the record, which outlined what was required of the applicant.

Page 9

7th paragraph rewritten to reflect discussion on amount of Bond for the restoration work.

Mr. Boldt stated that his position and strongly disagrees with the statement that the Board cannot require a bond. Mr. Boldt, my position, without waiving his position; that you do not have authority to require a bond; and that the price is not in any way close to \$25,000.00 as stated previously. Mr. Boldt quoted the amount at most to be \$4000.00. He stated that the work can be done by family members, so that there would be no labor cost. And the Board should not be concerned with this.

Page 10

7th paragraph re written to clarify the price of the restoration work,

Mr. Boldt stated the Mr. Hurley could give testimony to the price of the restoration work.

Mr. Hurley repeated his original quote of an amount for the plants @ \$700.00, and the excavation @ \$4000.00 for 3500 square feet. They would not have to regrade it, as the work is done through the process of restoration. The work will go to the point of original topsoil. The removal of the wall would be last piece to be done.

Discussion on the surety.

Mr. Boldt suggested that his client place in his Attorney's trust account the amount of \$5000.00 with escrow agreement, which he must prove exists and that the Town Attorney agrees to and signs off on.

MOVED by Mr. Lessard to approve the minutes as amended.

SECOND by Mr. Workman

VOTE: 6-1-0 Ms. Mercer abstained **MOTION PASSED**

IV. CORRESPONDENCE

Mr. Steffen informed the Board that the Planning Office received a request regarding 21 Epping Avenue for a one-year extension on the condominium conversion approval. This is the first continuance request.

MOVED by Mr. Lessard to grant the one-year extension,

SECOND by Mr. Workman

VOTE: 6-1-0 Mr. Higgins abstained **MOTION PASSED**

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V. OTHER BUSINESS

Mr. Steffen informed the Board that the Town was successful with defending the appeal of 76 Kings Highway. The Court upheld the Planning Boards approval. In addition, that the Town was also successful with defending the appeal of the Breckenridge project. The Court upheld the Zoning Board of Adjustment approval of the variances.

Mr. Emerick explained that the next public input session for the proposed zoning for the Beach will be held on December 5, 2007 and the 1st public hearing is scheduled for December 19, 2007. The draft proposal will be available for public viewing, and copies will be available at the Fire Station on Ashworth Avenue.

Mr. Lessard stated he would like to discuss zoning regulations, which would require retention ponds to be wider with respect depth to surface ratios for new subdivisions in Town.

Mr. Emerick explained that the State regulations mandate that the ponds need to be four feet above the water table.

Mr. Lessard clarified the intent of his query was to make the ponds wider not higher- which creates the deep ponds.

Mr. Emerick discussed the outcome of the meeting on 87 Barbour Road with the department heads and the applicant's engineer. The meeting was a deemed successful and the Board should see a "greener" plan when the applicant next appears before the board.

Mr. Higgins asked Mr. Lessard to clarify what his intent was with retention ponds.

Discussion among the members regarding new design standards and or regulations for the retention ponds. The main issue discussed was the widths versus depth of the ponds and what effect the ponds have on abutting properties. The issue of wetlands creation was a major concern. Steffen explained that the design regulations would be in the Subdivision Regulations, not in zoning and the Board can pursue the changes needed after the Town Meeting.

Ms. Ostman outlined the draft zoning which the members received at the meeting.

Mr. Emerick explained that he had an inquiry about the CIP (Capital Improvements Program), which is a function of the Planning Board and what the role is for the citizens of the Town in participating in the CIP process.

Mr. Emerick mentioned to the Board members that if they are unable to attend a meeting to inform the Planning Office so the alternate could be notified to fill the vacancy.

VI. ADJOURNMENT

Motion to adjourn. Mr. Lessard and Ms. Mercer second.

Meeting adjourned at 7:38PM

Respectfully Submitted,

Kristina G. Ostman
Planning Coordinator